



Status of PA's Final WIP

Jon Capacasa to: Hines, John

11/22/2010 06:57 AM

"Rider, Glenn", "Zemba, Andrew", Pat Buckley, Patricia"

Cc: <pbuckley@state.pa.us/O=, "Pattison, Kenn"

<kpattison@state.pa.us/O=Suzanne Hall/R3/USEPA/US, James

Bcc: Lucinda Power

John,

I am pleased to report that EPA is seeing marked improvements in the PA Watershed Implementation Plan and the majority of WIP narratives and input decks we have received from the Bay jurisdictions in recent weeks. Thanks to you and your staff for the tremendous effort in updating the PA Watershed Implementation Plan. Through all of the meetings and calls we were able to work together on getting closer to a plan that meets assigned allocations while demonstrating reasonable assurance that the targets will be met. But clearly, some critical work remains prior to the November 29 deadline.

My staff and I appreciated the time and effort to update the plan and there is a notable increase in commitments and description of programs to meet the nutrient and sediment allocations, especially in the section on agriculture. Your advance submission of a comprehensive draft of the Implementation Plan on November 12 has aided a great deal. The results from the model, based on the input deck provided last Friday, are that PA is 6% above for nitrogen, 16% above for phosphorus and is within the target range for sediment. Chris Brosch and Mark Dubin at the Chesapeake Bay Program Office are working with Andy Zemba and Kenn Pattison to refine these input decks to meet the allocations without undermining reasonable assurance. We look forward to processing a revised deck as soon as possible after receipt.

My staff have been in contact with the PA Departments this past week to provide feedback on the narrative portion of the plan. Attached below is a detailed break out of EPA's thoughts on the current draft. Overall, with a few targeted improvements EPA feels confident that most sections could meet EPA expectations, assuming the allocations to the Commonwealth for N and P and sediment can be met. At this time, our main concern remains getting the input deck in full alignment with the allocations and strengthening the stormwater section of the plan. We are aware that stormwater is a small percentage of the overall loading to the Bay, however there is not sufficient assurance that DEP can achieve the reductions from the input deck within the narrative part of the plan. My staff will continue to work with DEP on the best way to refine this section to meet expectations for the final plan submission. I want you to be aware of our review of the current draft so that there are no surprises from our review of the final Implementation Plan. At this time, EPA would still consider backstops for DEP because the numbers have not yet been met and the lack of assurance at least in the stormwater section.

Please feel free to contact me or my staff with questions on this review and to discuss the comments in the attached document. EPA hopes that improvements in the final WIPs will be substantive enough so that EPA could relax or possibly even remove backstop allocations for some jurisdictions in the final TMDL. However, EPA will not be able to remove all backstop allocations until some key improvements in certain sectors noted in the status comments attached are addressed. Feel free to contact Suzanne Hall, Chuck Fox or me for any questions. Thanks.

Jon M. Capacasa, Director
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Evaluation of Reasonable Assurance PA WIP Nov 12 Draft.doc